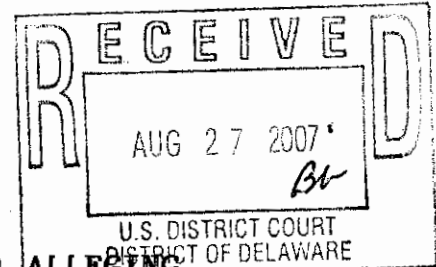


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRAZIER,
Petitioner,
vs.
UNITED STATES OF AMERICA,
Respondent.

CRIM. ACTION NO. 99-7-~~SJF~~ JJF



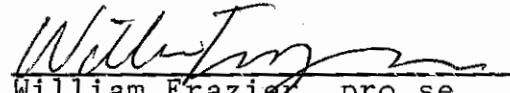
MOTION UNDER FED.R.CIV.PROC. 60(b)(3) ALLEGING
"FRAUD UPON A FEDERAL COURT, MISREPRESENTATION,
AND VIOLATING THE INTEGRITY OF THE PROCEEDINGS"

Petitioner herein contends that the Honorable Magistrate Judge and the Government Attorneys perpetrated fraud upon the federal court by misinforming Petitioner at arraignment about the possible maximum penalty he faced on the Count One and Count Two drug charges. The Magistrate Judge and Government Attorneys informed Petitioner that because of the **NOTICE OF ENHANCEMENT** the narcotic offense carries a mandatory life sentence in prison. Petitioner contends that because there was no drug amount charged in the indictment, by statute, he never faced a mandatory life sentence. Petitioner further contends pursuant to § 841(b)(1)(C) he was subject to only a twenty (20) year maximum sentence; a **NOTICE OF ENHANCEMENT** pursuant to § 851 would trigger a possible thirty (30) year maximum sentence in this instance only "if Petitioner commits such a violation after a prior conviction for a felony drug offense has become final. Pursuant to

§ 841(b)(1)(C) such person shall be sentenced to a term of imprisonment of not more than thirty (30) years."

Petitioner is alleging "fraud upon the federal court" calling into question the very legitimacy of his judgement. See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 88 L.Ed. 1250, 64 S.Ct. 997 (1944). Finally, Petitioner is alleging fraud upon the court under Rule 60(b)(3) and therefore is not subject to the restrictions that apply to second or successive Habeas Corpus (AEDPA) codified at 28 U.S.C. § 2244(b)(3)(A). See Gonzales v. Crosby, 125 S.Ct. 2641 (2005); Calderon v. Thompson, 523 U.S. 740, 140 L.Ed.2d 728, 118 S.Ct. 1489, (1998); Abudur'Rahman v. Bell, (2002) 537 U.S. 88, 154 L.Ed.2d 501, 123 S.Ct. 594.

Respectfully submitted,



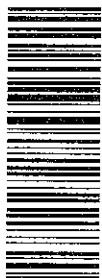
William Frazier, pro se
Register No. 01073-748
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P.O. Box 1033
Coleman, Florida 33521-1033

Pro Se

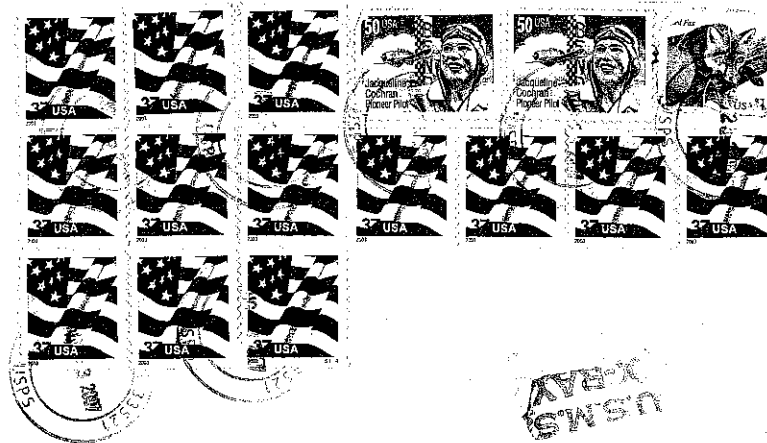
Petitioner invokes the U.S. Supreme Court's holding in Haines v. Kerner, 404 U.S. 519, 520 (1972)(pro se litigants are not to be held to same stringent standards as actual attorneys).

WILLIAM PRAZIER #01073-748
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CERTIFIED MAIL



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